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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,046	10/12/2004	Steffen Danielsen	10262.204-US	6213
25908 7590 07/17/2007 NOVOZYMES NORTH AMERICA, INC. 500 FIFTH AVENUE SUITE 1600 NEW YORK, NY 10110			EXAMINER HOFFER, SUSANNA MARIE	
			ART UNIT 1609	PAPER NUMBER
			MAIL DATE 07/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,046

Applicant(s)

DANIELSEN ET AL.

Examiner

Susanna Hoffer

Art Unit

1609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date Oct. 12, 2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johansen (US 6,100,080).

The claims recite a composition comprising a laccase or a compound exhibiting laccase activity, a source of oxygen, an enhancing agent and a source of iodide ions, wherein the source of iodide ions is one or more salts of iodide and which can further comprises a surfactant. The claims further recite a method of using such a composition for killing or inactivating spores and decontaminating a location that has been exposed

to spores, wherein the spores are located on a surface including a textile surface or a laboratory or process equipment surface.

Johansen teaches the use of a biocidal composition comprising laccase, the atmosphere as a source of oxygen, and a surfactant (col. 7, lines 12-26; col. 11, lines 58-59). Johansen also teaches the use of this composition on a textile surface and a surface present in a process equipment member of a cooling tower, a water treatment plant, a dairy, a food processing plant, a chemical or pharmaceutical process plant (col. 2, lines 34-39).

The disclosure of Johansen does not specifically discuss the use of the composition as a sporacide or the use of enhancing agents and iodide salts in combination with laccase.

However, Johansen teaches a method of using the composition for treatment of biofilm (col. 7, lines 12-26; col. 8, lines 22-29; col. 11, lines 58-59) and that enhancing agents and iodide salts as a source of ionic iodide can be used as electron-donors in combination with peroxidase (col. 8, lines 22-29).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the composition as a sporacide because biofilms can comprise colonies of yeasts, fungi, and/or protozoa and these organisms develop from mitotic division of spores. It would have also been obvious to a person of ordinary skill in the art at the time the invention was made to use an enhancing agent and iodide salt as an electron-donor in combination with laccase because laccase also catalyzes an oxidation/reduction reaction.

Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johansen (US 6,100,080) as applied to claims 1-12 above, and further in view of Svendsen, et al. (US 6,221,821).

Claims 13-14 recite the composition of claim 1, wherein the components of the composition are packaged in one or more compartments or layers or in a ready-to-use sporocidal formulation.

Although Johansen teaches the composition of claim 1, the disclosure does not teach that the composition can be packaged in one or more compartments or layers or in a ready-to-use sporocidal formulation.

Svendsen, et al. teach that an anti-microbial composition can be used in a two part formulation system, wherein one component is separated from the rest. Svendsen, et al. also teach that such a composition can be a ready-to-use product (col. 9, lines 64-67; col. 11, lines 16-26).


It would have been obvious to a person of ordinary skill in the art at the time the invention was made to package a sporocidal composition in a container that separated the components so that they would not mix before use. It would have also been obvious to a person of ordinary skill in the art at the time the invention was made to package a sporocidal composition in a ready-to-use formulation so that using the sporocide would be more convenient.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna Hoffer whose telephone number is (571)272-9345. The examiner can normally be reached on Monday - Friday, 9:00 a.m.-5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker can be reached on (571)272-0911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susanna Hoffer



MICHAEL MELLER
PRIMARY EXAMINER